

CORPORATE HEADQUARTERS

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SP-14836
LESCHACO,

INC.

DEPT OF TRANSPORTATION
DOCKETS



INTERNATIONAL FREIGHT FORWARDERS ! CUSTOMHOUSE BROKERS ! TANK CONTAINER CARRIERS ! HAZMAT CONSULTANTS

11-7 A 9 01

04-13-2009

Associate Administrator for Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration,
U.S. Department of Transportation, East Building,
1200 New Jersey Avenue, SE.,
Washington, DC 20590-0001.
Attention: Special Permits, PHH-31

Application

PHMSA-2009-0141

RE: Request for Special Permission for Emergency processing (49 CFR 107.101 and 49 CFR 107.117)

Dear Sirs,

Leschaco, Inc. hereby requests a special permit be issued so that the packaging requirements 49 CFR 173.227 for 20 drums (6HA1) packed under the packing instruction P001 for UN2442 for one transport from Houston, TX to Orange TX, be waived, thus allowing Leschaco, Inc. to transport the goods in question.

Cargo status

20 x 6HA1 drums, 5470 Kg gross on 5 pallets in warehouse Southwest Freight Houston (see pictures)

Drums are marked:

UN6HA1/Y1 8/10U/08 & CH/321336P1 012
OR CH/321338P1 012

Location

Southwest Freight Houston
9005 Spikewood Drive
Houston TX, 77078

Destination

Solvay Solaxis, Inc.
4059 FM Road 1006 Orange, TX, 77630

Classification

49 CFR classifies it as:

UN2442 Trichloroacetyl Chloride, 8, (6.1) II, Toxic Inhalation Hazard Zone B (see 49 CFR 172.101 Hazardous Materials Table, column (6) and (7))

IMDG Classification: UN2442 Trichloroacetyl Chloride, 8, II

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Packaging requirements

49 CFR requires that UN2442 is packed as per 49 CFR 173.227 (see entry in 49 CFR HMT) in an X-rated packaging for packing group I and further packed in 1A2 or 1H2 drums.

IMDG requirement P001 packing group II, single packaging allowed

Actual Difference to the requirements of the 49 CFR

- Packaging performance y-rated instead x-rated
- Single packaging and not further packaged in 1A2 or 1H2 as required by 173.227

Request of special permit

Leschaco, Inc. hereby requests a special permit be issued so that the packaging requirements 49 CFR 173.227 for 20 drums (6HA1) packed under the packing instruction P001 for UN2442 for one transport from Houston, TX to Orange TX, be waived, thus allowing Leschaco, Inc. to transport the goods in question.

- Request of the further use of the 6HA1 y-rated drums without transloading into x-rated drums
- Request of transport of these single drums further packed into 1A2 or 1H2 drums as per 173.227 and blocked and braced in a dedicated, sealed truck from Southwest Freight without any intermediate stop as per 173.227 (c).
- Request of organizing the transport as freight forwarding agency

Reason for the request

The product is not packed as required by 49 CFR. This is a potential safety issue for the workers of the warehouse Southwest Freight, Houston.

Decanting the product from the current 6HA1 y-rated packagings into the required 6HA1 x-rated packagings would be a safety risk. There is a possibility that personnel are exposed to the fumes of this product at the time of the decanting process.

The 20 6HA1 y-rated drums are fulfilling the requirements of the IMDG and did not suffer any outside damages while transported from China to their current location.

Further packaging these drums into 1H2 or 1A2 drums as per 49 CFR 173.227 instead of decanting would diminish the possibility and risk by exposure to fumes.

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Precaution, Preparation of the cargo for transport

- The cargo will be inspected and markings and labeling will be corrected as per requirements of 49 CFR
- Further packaging into 1A2 or 1H2 drums
- The delivery order will be issued on behalf of the attached Hazardous goods Declaration with following attachments
 - Hazardous goods declaration
 - MSDS from the manufacturer (TCAC-PANDA.pdf)
 - Special instructions + contact numbers for immediate response
- The driver will be specifically briefed about the sensitivity of the cargo and the immediate response requirements
- The transport will be organized during the daytime avoiding high population areas and the delivery time will be coordinated with the consignee, to avoid unnecessary waiting times
 - The distance from Houston to the consignee in Orange TX is 109 miles (3-4 hours transit time)

Sincerely Yours

Matthias Mackeprang
Hazmat Manager

Leschaco, Inc.

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